



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,858	08/20/2001	Friedrich Altmann		5615

7590

02/22/2002

Burns, Doane, Swecker & Mathis  
PO Box 1404  
Alexandria, VA 22313-1404

EXAMINER
----------

PAPPU, SITA S

ART UNIT	PAPER NUMBER
----------	--------------

1636

DATE MAILED: 02/22/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

ile

UNITED STATES DEPARTMENT OF COMMERCE  
Pat nt and Trad mark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/913858	08/20/2001	Altmann, Friedrich	030560-057

EXAMINER	
Sita S. Pappu	
ART UNIT	PAPER NUMBER
1636	9

**Please find below a communication from the EXAMINER in charge of this application**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821-1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

1). Sequences are disclosed in the specification but are not identified by their sequence identifiers (i.e. SEQ ID NO). For example, Figures 4, 5a, 5b, 6a, 6b, and 8 depict nucleotide sequences that are not identified by sequence identifiers. It is not clear if all the sequences disclosed are included in the sequence listing. Applicant is further reminded that amendment to the specification, and/or claims is required to comply with 37 C.F.R. 1.821(d). Each sequence disclosed in the specification and figures must be identified by its sequence identifier (i.e., SEQ ID NO:). Applicant is reminded that the entire specification and figures should be reviewed for sequence disclosures.

2). The CRF submitted on 01/02/2002 in Paper #6 does not comply with the sequence rules. See attached copy of Raw sequence Listing. A substitute, corrected copy of CRF, a substitute copy of the paper copy are required along with a statement that the paper copy and CRF are identical.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.R.F. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Sita S. Pappu whose telephone number is (703) 305-5039. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Irem Yucel whose telephone number is (703) 305-1998. The fax number for the organization where this application is assigned is (703) 308-8724. Any inquiry of a general nature or relating to the status of this application should be directed to the Patent Analyst at (703) 305-2982.

*Anne-Marie Baker*  
ANNE-MARIE BAKER  
PATENT EXAMINER

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which th Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comp with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Sequences are disclosed in the specification but are not identified by their sequence identifiers (i.e. SEQ ID NO). For example, Figures 4, 5a, 5b, 6a, 6b, 8 depict nucleotide sequence that are not identified by sequence identifiers. It is not clear if all the sequences disclosed are included in the sequence listing. Applicant is further reminded that amendment to the specification, and/or claim is required to comply with 37 C.F.R. 1.821(d). Each sequence disclosed in the specification and figur must be identified by its sequence identifier (i.e., SEQ ID NO:). Applicant is reminded that the entire specification and figures should be reviewed for sequence disclosures.

**Applicant Must Provide:**

- ☒ An ~~initial or~~ substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An ~~initial or~~ substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry in the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**